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THE PROFESSIONAL

A PUBLICATION OF THE
HENRY LATIMER CENTER FOR PROFESSIONALISM



Volume XI, No. 4

www.floridabar.org/professionalism

Spring 2013

Upcoming Events:

May 3, 2013

Practicing with Professionalism
West Palm Beach, Florida

May 10, 2013

Practicing with Professionalism
Tallahassee, Florida

May 23, 2013

Practicing with Professionalism
Panama City, Florida

June 27, 2013

Florida Supreme Court
Commission on Professionalism
Meeting at Annual Convention
Boca Raton, Florida 10:00 – 12:00

June 27, 2013

Judicial Luncheon and Awards
Ceremony at Annual Convention
Boca Raton, Florida 12:30-2:00

June 27, 2013

Standing Committee on
Professionalism Meeting at
Annual Convention
Boca Raton, Florida 2:00-4:00

June 28, 2013

Launch of The Florida Bar
Leadership Academy at
Annual Convention
Boca Raton, Florida 2:00 – 7:30

Henry Latimer Center
for Professionalism
2012 - 2013

Director:
Linda Calvert Hanson
Assistant Director:
Jacina Haston
Program Coordinator:
Vicki Simmons

Florida Supreme Court
Commission on Professionalism

Chair:
Justice R. Fred Lewis

The Florida Bar
Standing Committee
on Professionalism

Chair:
Sean T. Desmond
Vice-Chair:
David Hallman
Board Liaison:
Greg Coleman

A MESSAGE FROM THE CHAIR

It has been a truly great honor to serve as Chair of The Florida Bar Standing Committee on Professionalism this year. When my term began, I was filled with excitement as we set out to accomplish as much as we could to make our profession better. We started with a directive from Florida Bar President Gwynne Young and Program Evaluation Committee Chair and now President Elect Designate Greg Coleman to “go forth and conquer.” With that in mind, and with the help of The Florida Bar’s Henry Latimer Center for Professionalism, the Committee started developing a balanced approach to tackling professionalism at as many levels as we possibly could. The scope and function of the Standing Committee on Professionalism are to assist the Florida Supreme Court Commission on Professionalism, The Florida Bar, and The Florida Bar’s Henry Latimer Center for Professionalism in implementing programs, events, and activities to promote professionalism throughout the state. This year the Standing Committee was divided into five working groups and focused its efforts in the following key areas:

Aging Lawyers Working Group – Chaired by Michael Cohen, this working group is immensely involved with working on an Aging Lawyer Task Force with Florida Lawyers Assistance Inc., the

University of Florida Levin College of Law, the University of Florida College of Medicine, the University of Florida Brain Institute, and Shands Vista to create an online educational module and screening instrument to assess an individual lawyer’s cognitive decline

which also will collect and provide anonymous data regarding aging in the Florida legal profession. Additionally, the group is developing a checklist for lawyers to use to screen cognitive problems that may affect one’s ability to practice law. The first phase of the awareness program included two articles in The Florida

Bar News on November 15, 2012, entitled, “Bracing for the Tsunami of Aging Florida Lawyers,” and “The Path to Permanent Retirement.”

Awards Working Group – After years of only awarding the William M. Ho-eveler Judicial Award, the Awards Working Group revived the Professionalism Group Award and the Law Faculty/Administrator Award. Chaired by David Hallman the group received an overwhelming response for all three awards this year. The purpose of the Professionalism Group Award is to find an organization that has an innovative program that can be implemented by other organizations to promote and



See “Chair’s Message” page 2

CHAIR'S MESSAGE

from page 1

encourage professionalism within the legal community. The purpose of the Law Faculty/Administrator Award is to identify one who promotes the fundamental ideals and values of professionalism within the legal system and who instills those ideals of character, competence, civility, and commitment in all those persons serving and seeking to serve therein. The Standing Committee has approved all recommendations for this year, and the awards will be presented at the Judicial Luncheon during Annual Convention.

Circuit Professionalism Working Group – In an effort to get a perspective of the professionalism initiatives around the state and to learn the different projects occurring in each circuit, the Circuit Professionalism Working Group led by Chair Denise D'Aprile, revised and renewed the Circuit Professionalism Report. The Circuit Professionalism Report was provided to the chief judge in each circuit for completion. The report collected information regarding programs such as mentoring, peer review panels, and CLE programs for each circuit. The working group is compiling the reports to disseminate the efforts of each circuit via a report that will be available on the Henry Latimer Center for Professionalism website and in this newsletter.

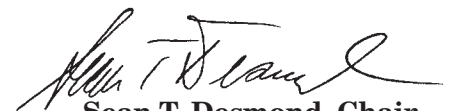
Lawyers Helping Lawyers – Chaired by Irwin Gilbert, this group was charged with revising the website for member services entitled "Lawyers Helping Lawyers." The group set forth to make the website more resourceful for new attorneys just joining The Florida Bar or in transition. Currently, this working group is also working to review materials that have been made available over the years on the subject of professionalism and to determine which of those resources remain relevant and topical in today's ever changing digital age.

Young Lawyers Working Group – Updating and distributing the Law School Handbook and the Annual Law School Report was a primary task of this working group led by Judge John Lazzara. The Law School

Handbook is now more user friendly and equipped with additional resources for law students including but not limited to information about Florida Lawyers Assistance and the Attorney Consumer Assistance Program. In addition, the Annual Law School Report now includes questions regarding curriculum dealing with professionalism, professionalism oaths used in orientation, and professionalism awards for staff and law students. Apart from these two projects the working group launched a "Balancing Life and Law" program at the Stetson University College of Law in conjunction with The Florida Bar Young Lawyers Division and the YLD Law Student Division. The program gave law students a real life perspective on how members of the Committee have dealt with issues relating to balancing the pressures of practicing law with the ever-present demands of personal and family lives. In addition to the great projects listed above, perhaps the most personally rewarding moment of my time as Chair of the Committee thus far, was being honored to participate in creating two new episodes of The Florida Bar Historical Video Series. The Historical Video Series is a professionalism CLE DVD collection offered by the Center for Professionalism and the Standing Committee on Professionalism that seeks to capture the perspective and wisdom of professionalism leaders within The Florida

Bar. This year, I had the remarkable honor to record the interviews of U.S. District Court Judge Alan Gold and U.S. District Court Judge Paul Huck. The opportunity to listen first hand to these iconic judges discuss their legal and judicial careers and their observations and advice on professionalism and balance was extraordinary. I sincerely hope that you make a point to watch their videos as well as the many other leaders of our profession.

Again, the privilege to have been entrusted with the critical task of leading The Florida Bar's efforts on professionalism this year has been a gift I will cherish always. Before I finish, however, it is vital to thank Linda Calvert Hanson, Director of the Center for Professionalism, as well as Jacina Haston, Assistant Director of the Center for Professionalism, for their tireless and outstanding work this year. Both new to the Center for Professionalism after the retirement of longtime Director Carl Zahner, their energy and dedication has been inspiring. I can assure you with absolute confidence that the The Center for Professionalism is in great hands.



Sean T. Desmond, Chair
Standing Committee on
Professionalism

SELECTED RECENT PROFESSIONALISM PUBLICATIONS:

Florida A & M University College of Law Professor, Nicola Boothe-Perry, "Standard Lawyer Behavior? Professionalism as an Essential Standard for ABA Accreditation," 42 *New Mexico L. Rev.* 33 (2012).

• • •

University of Florida Levin College of Law Professor, Leonard L. Riskin, "Awareness and The Legal Profession: An Introduction to the Mindful Lawyer Symposium," 61 *Journal of Legal Education* 634 (2012).

• • •

G.M. Filisko, "You're Out of Order! Dealing with the Costs of Incivility in the Legal Profession," 99 *ABA Journal* 32 (January, 2013).

Director's Report

As I reflect on our path since our winter newsletter it reminds me of not only how incredibly busy we have been, but also what a gratifying opportunity it is for the Center to be a vital part of positive efforts to promote professionalism and civility. The Center began the year by re-shaping the 90-minute professionalism segment of the Practicing with Professionalism (PWP) CLE that is attended by all new lawyers to include greater attention to the need for civility. Civility garnered national attention in the January, 2013 issue cover story of the ABA Journal, "You're Out of Order! Dealing with the Costs of Incivility in the Legal Profession." On a state-level the Florida Supreme Court responded with the inclusion of the civility provision in the attorney oath of admission in September, 2011. On a local-level the emphasis was evidenced by the Joint Civility Resolution in South Florida that began last fall and now has commitments from upwards of 45 different groups including the courts, inns of court, and voluntary bar associations. The Standing Committee's Working Definition of Professionalism includes civility as one of the four essential ingredients of professionalism that also encompass character, competence, and commitment. The changes integrated into the presentation more clearly convey to all new lawyers the expectations of both professionalism and civility and Assistant Director, Jacina Haston and I now have delivered this message at several PWP presentations offered around the state.

In January, the Center hosted its two-day Diversity Train-the-Trainer Workshop in Orlando, facilitated by Wilhelmina Tribble, with Jacina Haston participating. The next week the Standing Committee on Professionalism convened its Strategic Planning Session in Tampa that provided each of the Committee's four working groups with time for their respective projects and to chart their course for the future.

Following the Florida Bar Board of Governors meeting the first of February, the Center was advised that it would play a dynamic role in the Leadership Academy's inaugural year. The Center has been tasked with designing, developing, and coordinating over twenty modules of curriculum. Topics range from Balancing Personal, Volunteer and Work Life as a Leader, to Resolving Conflict Professionally, to Achieving Workable Unity

by Motivating Others and Delegating, to Presentation Strategies and Conducting a Productive Meeting, all to be delivered beginning with the Academy launch in June.

Also during the beginning of February, Jacina Haston and I revised and then delivered a four-hour interactive Florida Bar disciplinary and diversion workshop in Orlando as part of the "Practicing Professionalism Enhancement Program." That program was followed by the Second Annual Professionalism Symposium, co-sponsored by Florida International University College of Law and the Center for Professionalism in Miami on February 27. Professor George Knox led the program throughout the day while the synergy evolved as an array of highly knowledgeable speakers shared their insight and experiences on civility, wellness and professionalism with a receptive group of law students and local attorneys. For some, the opportunity to experience mindfulness with Scott Rogers of the University of Miami School of Law's Mindfulness Institute was a first and participants learned about the work of the FIU Law Center for Professionalism and Ethics from Associate Dean Michelle Mason. Jacina Haston and Sean Desmond, Chair of the Standing Committee on Professionalism, both moderated panels and I had the privilege to talk about "Why Professionalism Matters," before former Justice Raoul G. Cantero, III charged the group to "Embrace Professionalism," in his keynote speech.

While in Miami we had the opportunity to record two new selections for the Center's Historical Video Series by capturing the perspectives of both U.S. District Court Senior Judges Alan S. Gold and Paul C. Huck. Sean Desmond moderated as the judges related their stories about the changes they have witnessed and experienced throughout their careers. Judge Huck indicated that one important way to promote professionalism among young lawyers was to encourage mentoring which he characterized as one of his "most rewarding and satisfying experiences." He concluded his comments with a Chinese Proverb, "Laws control the lesser man. Moral conduct controls the greater man."

Judge Gold related a poignant story about encouraging a female juror to bring in her two children to see the courtroom after a trial ended. The children explored

the chambers and sat in the different chairs before the young boy, who was fascinated with it all, looked up at Judge Gold and asked him if he could be a lawyer. Judge Gold replied, "You can be whatever you want to be. You can even be a judge and sit in that chair." Judge Gold then remarked to us that giving hope to others and "playing a part in keeping our traditions alive" is what being a judge is to him. We enjoyed hearing their words of wisdom and felt honored to be a part of this important project to preserve their insights. As we left the chambers that afternoon, I clearly recall feeling amazed at the rare chance to have an inner glimpse of two great judges and also experiencing immense pride to be a member of the "Atticus Finch" legal profession where it IS noble to be a lawyer. Hearing their stories reminded me of why I went to law school and why I believe in the legal profession. In a system that sometimes focuses on negative conduct and the disciplinary system, it was refreshing to renew and spend time with those judges upon whose shoulders we are standing.

In March I had the opportunity to speak to members of the faculty at Cooley Law in Tampa about Professionalism Expectations for Law Students & New Graduates in Florida. In mid-March, the Henry Latimer Center for Professionalism welcomed Vicki Simmons to be the new Program Coordinator as long-time Center staff person, Becky Blackburn, accepted a position with the Diversity Program. Vicki, whose background is in meeting and event planning for attorneys and legal organizations and has worked for The Florida Bar for a number of years, most recently as the Program Administrator for the Family Law and the Government Law Sections. Her favorite quote is "people will care what you know when they know that you care." We're confident that you are going to enjoy working with Vicki, who can be reached at vsimmons@flabar.org and (850) 561-5747.

It has been our great pleasure to work with Sean T. Desmond this year. Under his leadership, the Standing Committee on Professionalism has made great strides on several professionalism initiatives. We look forward to seeing all committee and commission members at the upcoming Annual Convention meetings in June.

Linda Calvert Hanson
Director for the Center
for Professionalism

Professionalism Matters

By Caroline Johnson Levine, Member of The Florida Bar's Standing Committee on Professionalism, Office of the Attorney General, Tampa, Florida



At a recent elementary school program, a child began a presentation by stating "We can all make a difference by making good choices. It starts with kindness." Simplistic as this concept may

sound, it is a great example of how professionalism should be practiced.

With the increasing number of law schools resulting in a larger Bar membership, the competition for clients has become more frantic. Legal advertisements referring to "aggressive representation" create an image for the public that caustic conflict must play a part in that representation. Further, some attorneys may believe that engaging in verbal assaults will result in a tactical advantage in a particular case.

Many volatile confrontations are never reported to The Florida Bar, leading some attorneys to believe that nothing can be done to change unprofessional behavior. However, The Florida Bar will investigate and

punish attorneys who engage in unprofessional confrontations and the possibility that a report can be made and action may be taken by the Bar should always be in the forefront of a litigator's mind.

A few years ago, a disciplinary action in the thirteenth judicial circuit involving email exchanges that began with the attorneys attempting to coordinate a hearing time and bitterly dissolved into name calling and insulting each other's intelligence, competence, and family members. One of the less scandalous emails stated "Wow, you are delusional!! What kind of drugs are you on??? I can handle anything a little punk like you can dish out. . .otherwise, go back to your single wide trailer in the dumps of Pennsylvania and get a life!!" Additionally, there was an explosive exchange between the attorneys in a deposition. The Bar found that these attorneys violated Rule 3-4.3 (commission of an act that is contrary to justice) and Rule 4-8.4 (conduct that is prejudicial to the administration of justice). Further, it sanctioned one of the attorneys with a public reprimand and the other attorney received

a ten-day suspension.

Importantly, an attorney should consider the costs and stress associated with a Bar investigation. The costs of retaining an attorney during the investigation, fees to reimburse the Bar's cost of investigation, fees for a professionalism workshop, and lost client revenue for the time spent defending oneself or serving a suspension could easily reach \$10,000 or more. Never mind the embarrassment or loss of reputation when an attorney's actions and punishment are published in newspapers. Additionally, the long-term effects of an attorney's unprofessional behavior and negative reputation could result in the failure to be appointed to a committee, judicial position, or obtain certification in one's area of legal expertise. See Rule 6-3.5(c)(6) of the Rules Regulating the Florida Bar.

Unprofessional behavior damages the image and reputation of attorneys everywhere, making everyone's job more difficult. More importantly, obtaining the privilege to practice law should be an honor that is cherished, not degraded by uncivilized conduct.

Results of the 2013 Law Student Essay Contest

Congratulations to **Kevin Crews**, a Stetson University College of Law second year student for his winning essay, "E-filing from the Local Coffee Shop: A Practical Look into Confidentiality, Technology and the Practice of Law." Kevin's article will be published in an upcoming issue of *The Florida Bar Journal*, he will receive a \$750 cash prize, a complimentary ticket to attend the Judicial Luncheon at Annual Convention with the Center for Professionalism, and complimentary registration to the GPSSF's 2014 Solo & Small Firm Conference with one night hotel.

Honorable mention was awarded to **Amber Scott**, a first year student from Barry University School of Law. Her submission is entitled, "Best Practices to Protect Client Confidentiality with Professionalism When Working with Electronic Documents." Ms. Scott's essay will be published in the upcoming edition of the *GPSSF LINK* and she will receive a cash prize of \$350.

This year's essay contest was co-sponsored by The Florida Bar Young Lawyers Division, Florida Lawyers Mutual Insurance Company, The Florida Bar's General Practice, Solo & Small Firm Section and The Florida Bar's Henry Latimer Center for Professionalism. Due to everyone's efforts to promote the program and disseminate information to all Florida law students, this year we received triple the number of submissions from last year. Submissions were received from six different law schools, Stetson University College of Law, Barry University School of Law, Thomas M. Cooley Law School, Florida Coastal School of Law, Ave Maria School of Law, and Florida A&M University College of Law. It is also worth noting that the entries were written by first, second and third-year law students. Thanks to all for participating in this event.

Second Annual Florida International University College of Law Professionalism Symposium

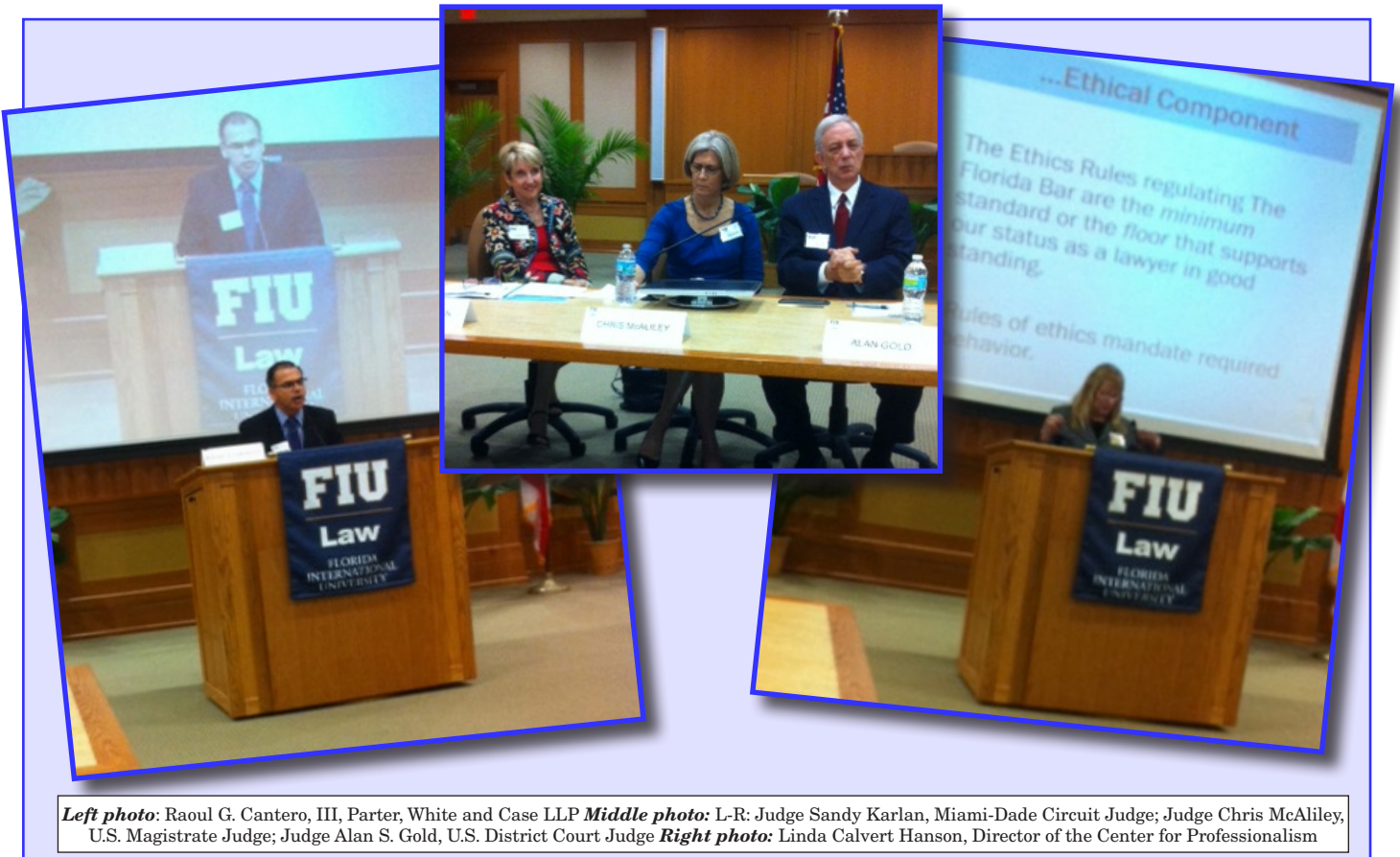
After rave reviews last year, there was no doubt that the Henry Latimer Center for Professionalism would partner with FIU College of Law to host the Second Annual Professionalism Symposium again this year. On February 27, 2013, *Professionalism Matters* was presented and moderated by past Vice Chair of the Standing Committee on Professionalism, Professor George Knox who reminded the participants that they were not just “human beings,” but rather, humans “being.” Senior Associate Dean Michelle Mason discussed the work of the FIU Law Center for Professionalism and Ethics and was followed by Linda Calvert Hanson of the Henry Latimer Center for Professionalism who relayed to all *Why Professionalism Matters* to law students, to lawyers, and to members of the public.

Audience members had the pleasure of engaging in a mindfulness

exercise with Professor Scott Rogers from University of Miami College of Law Mindfulness Institute, who gave an artful explanation of what the concept really means as well as the stress-reducing and centering benefits. Leaders of the profession, Sean Desmond, chair of the Standing Committee on Professionalism; President-Elect Eugene Pettis; Suzette Russomanno, Dade County Bar Association YLS President; and Garrett Biondo, Dade County Bar Association President provided their perspective on civility, wellness, and how to balance personal life and the practice of law. Each leader gave the audience their personal insight and tips on the many facets of being a leader and being professional.

A second panel offered the perspective of the judiciary in which U.S. District Court Judge Alan Gold, Circuit Judge Sandy Karlan, and U.S. Mag-

istrate Judge Chris McAliley offered their perspectives about mindfulness and their viewpoint from the bench. Sean Desmond moderated that panel and asked the hard questions of each of the judges that many of the audience members truly wanted to know. It is noteworthy that all three judges participate in mindfulness meditation and belong to a group called the Mindful Judge at <http://themindful-judge.com/Home.html>. The program ended with the keynote speaker, former Florida Supreme Court Justice Raoul G. Cantero, III, who encouraged audience members to embrace professionalism and to be ever mindful when making choices to stay true to one’s values. Overall the program was a complete success as attendees were left feeling recharged, renewed, and refreshed about our esteemed legal profession.



Left photo: Raoul G. Cantero, III, Partner, White and Case LLP **Middle photo:** L-R: Judge Sandy Karlan, Miami-Dade Circuit Judge; Judge Chris McAliley, U.S. Magistrate Judge; Judge Alan S. Gold, U.S. District Court Judge **Right photo:** Linda Calvert Hanson, Director of the Center for Professionalism

The Good, The Bad, and The Ugly side of Social Media in the Legal Profession

By: Jacina Haston, Assistant Director for the Center for Professionalism

Social media is a growing new trend that has taken over society by storm. Through computers and smart phones we are all interconnected with one touch of a button. Staying in touch is far easier than it has ever been, but with everything in life there is the good, the bad, and the ugly. The rules that regulate social media for lawyers are very rudimentary and are more so tailored to advertisement regulations as oppose to the do's and don'ts. In the midst of a struggling economy and far few opportunities for employment many have set out to establish their own firm and utilize social media as a form of free advertisement to promote their business, but there are others who use it to shine that not so favorable light on our astute profession.

With the stress and high demands of being a lawyer many have found refuge in airing their offensive thoughts and feelings about the profession via Facebook, Twitter, Instagram, and other social media networking sites. Social media has essentially become the tabloid of our everyday society causing a lack of civility to rear its ugly head amongst our legal profession. We have all encountered that highly inappropriate status update on Facebook, distasteful picture on Instagram, or that horrific Tweet from those we choose to interact with on social networking sites. Surely it is easy to lose control with the freedom to express oneself for the enjoyment of others. Wouldn't be ideal if one could purchase a filter that would alert you when you have crossed the line? Is updating your status on Facebook about how you truly feel about opposing counsel a problem? Can I post this ridiculous photo on Instagram of my client depicting what they thought was appropriate courtroom apparel? Should I

send a friend request to the Judge on Facebook? Will tweeting my opinions about this trial pose an issue? These are the ever so challenging questions that one could be plagued with while venturing down the road of social media as a lawyer.



The fact of the matter is there is no professionalism filter that is sold on the market that will alert you that you have crossed the line, but we are all equipped with a free internal filter called that "gut feeling." Generally most people receive the red flag to divert them in another direc-

tion right before they make that bad decision, but far too many ignore the sign and proceed ahead despite the warning. Privacy settings on social media sites offer a false sense of security to most because we all recognize that there is no true expectation of privacy on the internet. If you are scuffling with doubt or wrestling with the thought of how it may be perceived by others, take the detour. Do not post it and trust your internal filter.

Stating your personal feelings about opposing counsel as your status on Facebook is far from conducive to the administration of justice.



A lawyer in St. Lucie County learned this fast when he found himself in the hot seat after posting his feelings regarding opposing counsel and the judge by composing a parody of the Gilligan's Island theme song on his Facebook page. The song was disseminated despite the lawyer's crafty privacy settings and later pub-

lished by a local newspaper in which the defendant was characterized as a "gangbanger" and opposing counsel was depicted as a "weasel face." It may have appeared humorous at the time to the lawyer and he may have received numerous "likes" to his Facebook update, but it surely was not worth the headache of a bar grievance and a mistrial.

Sharing is caring most will say but some things need not be shared. For instance, inappropriate pictures on Instagram or any other social media site for that matter are far less desirable by most. In Miami, a lawyer's Facebook photo caused a mistrial in a murder case because she decided to post a picture via her cell phone of her client's leopard print underwear with the caption "proper attire for trial." Taking the picture of the underwear may have seemed seemingly

harmless at the time, but the downfall came when it was posted to Facebook. One lapse of sensible judgment cost this lawyer her career and tarnished the image of the legal profession.

Friend requests, invites, followers, and the list goes on. All are terms used to

denote the number of people you are connected to via social media, but where does it end? According to *Pierre Domville v. State of Florida* it ends before there is an appearance of impropriety for lawyers and judges. It is hard to not want to interact with a person outside of a work setting, especially if you genuinely like the person. Unfortunately in this privileged profession there are rules and boundaries that cannot be crossed to assure that we have a fair and impartial system of justice. *Domville* makes it abundantly clear that when a judge lists a lawyer who appears before him as a "friend" on his social networking page this reasonably conveys to others the impression that these lawyer "friends" are in a special position to influence the judge. In an



abundance of caution it is probably best to avoid accepting or sending friend requests, invites, and request to follow to colleagues that you have a close adversarial relationship with, and most especially judges.

Oliver Wendell Holmes could not have said it any better, “with effervescing opinions, the quickest way to let them get flat is to let them get exposed to the air”. Your opinion regarding the joys and woes of a trial provide absolutely no assistance to assuring a proper functioning administration of justice. In fact your opinion is worth

less than a penny with a hole in it. Your followers on Twitter could probably care less about your personal opinion because quite honestly we all have one and therefore it serves no purpose. Air your dirty laundry in your diary or personal journal because these toxic thoughts need to be disposed somewhere, but neither Twitter nor Facebook is the appropriate place.

Exploring the road of social media can be good, bad, and at times downright ugly. Make the decision today to be the model of positivity to our

profession when exploring the course. Be the beacon of light by choosing your words and actions wisely when utilizing social media. Listen to your internal filter and trust your gut instinct, let it be your voice of reason. This profession was founded on very high tenets: honesty, integrity, respect, and civility to name a few and these should be your driving force before you share any information on a social media networking site which could have the potential to deter the public’s trust.

Mindfulness: A Challenge for our Times

By U.S. District Court Judge Alan S. Gold

A famous Teacher has put it this way, when asked what surprises him most about humanity, “Man, because he sacrifices his health in order to make money. Then he sacrifices money to recuperate his health. And then he is so anxious about the future that he does not enjoy the present; the result being that he does not live in the present or the future; he lives as if he is never going to die, and then dies having never really lived.”

My topic is not as broad as that of the famous Teacher, but it does involve one aspect, and that is the relationship between our health and mindfulness: the ability to live in and enjoy the present moment. Why should this concern lawyers and judges? We constantly hear, both as lawyers and judges, about the lack of “civility” in the practice of law. We, as judges, have raised the price of “incivility” by imposing sanctions, although many lawyers complain we have not used sanctions enough. As a profession, we have become so concerned about “incivility” that The Florida Bar has amended the Oath of Admission by “... pledging fairness, integrity, and civility, not only in court, but also in all written and oral communications.” But, do sanctions and oaths really address the root cause of the problem of incivility? I think not.

For what it is worth, it is my belief and observation that the root cause of the incivility and poor professional behavior arises, in large part, because of the extreme and cumula-

tive stresses that we, as lawyers and judges, find ourselves coping with on a daily basis. This is especially true given these difficult and challenging economic times, and, at the same time, having to confront the increased alienation we experience from each other because of our technology. My premise is that the degree of civility practiced by all of us is directly related to how we cope with, and handle, extreme stresses. If this premise is true, what can we do about it? How do we begin to control our reactive and counterproductive behavior when we feel “out-of-control” and feel helpless to do anything about it?

Let me be clear. In offering my comments, I am not asking you, as lawyers or as judges, to do anything to diminish your effectiveness or to give up your “edge.” To the contrary, in addition to managing stress, improving health and increasing civility, my recommendations are directed to enhancing your skills and effectiveness. Your first reaction may be that this sounds too “New Age” and implausible, but I ask you to be “mindful” and bear with me. In effect, what I am suggesting to you is no more than how some martial art’s masters deal with moments of intense combat; that is, from the center, flowing with the breath. We can apply these “martial arts” skills to the practice of law and achieve an energized calm, and with it a proactive and focused choice which adds to our power to thread through the turbulent storm.

The Medical Side of Excess Stress

Let us acknowledge that we, as lawyers and judges, are “adrenaline junkies.” We are drawn to a profession that, at times, gives us a “rush” by challenging us often in dramatic ways. So, some degree of stress is inherent in what we do, and many of us can cope pretty well. But, what are the medical effects, and obvious results, of extreme stresses that we experience over a long period of time? We all have seen or experienced them: inappropriate anger, impatience, overreaction to minor problems, anxiety, fear, irritability or resentment. People under extreme stresses are just overloaded with more than they can cope with. They may be unable to concentrate or to think clearly. They may be constantly active but accomplish little. As judges, this condition can manifest as an inability to make decisions in a timely manner. Yes, we, as judges, can experience extreme stresses. As noted by author Isaiah M. Zimmerman, “judges work at the convergence of powerful demands: ... heavy dockets; restrictions on speech and behavior; intense media exposure; public ignorance of the role of the courts; and the relative isolation of the judicial position....” Such challenges create unique stresses, personally and professionally.

Here is what the medical literature says about the effect of excess stress. There has been a revolution in medicine concerning how we think about

diseases of the body and of the mind. It begins with the recognition of the interaction between the body and mind, the ways in which emotions and personality can have a tremendous impact on the functioning and health of virtually every cell in the body. It is about the role of excess stress in making us more vulnerable to disease, including psychological impairments, or making diseases that we are coping with that much worse. We have come to recognize the vastly complex intertwining of our biology and our emotions, the endless ways in which our personalities, feelings, and thoughts both reflect and influence the events in our bodies. We need to understand that prolonged and excess emotional disturbances can adversely affect us. Put simply, excess stress can make us sick or sicker. Perhaps it is more correct to say that excess stress increases our risk of getting diseases that make us sick, or if we have such a disease, excess stress can increase the risk of our defenses being overwhelmed by the disease. Particularly when we become exhausted, the visible effects are evidenced by bad behavior which we label as "incivility." As it turns out, research is pointing to the role that mindfulness can play in changing the ways that we relate to stressful situations. The stressful situations are ongoing, but how we respond is forever open to "reconsideration."

A large body of evidence suggests that stress-related disease, both physical and emotional, emerges, predominantly, out of the fact that we so often activate a physiological system that has evolved for responding to acute physical emergencies, but we turn it on for months on end, worrying about clients, our cases, our economics, our careers, and our families. We worry about how to be the "best" at all of our endeavors, and how to balance them. What makes things worse is that the stress-response may be mobilized not only in response to physical or psychological pressures or insults, but by the expectation of them. If we repeatedly turn on the stress-response, or if we cannot turn off the stress-response at the end of a stressful event, our stress-related problems simply compound and grow worse. Another feature of the stress-response is that, with sus-

tained stress, our perception of pain becomes blunted. We numb ourselves and are not even aware of what we are doing, how we are doing it, or why we are doing it. It becomes habitual and addictive. In fact, a well-known Johns Hopkins study has found that lawyers are more prone to depression than members of any other profession. Given all of the scientific explanation, is there any wonder that lawyers often can be "uncivil" to each other and exhibit behaviors in court and in life which are unacceptable and unproductive?

The Freedom to Choose

You may say, "I cannot change my reality"-whatever it is. "Don't you understand," you may say, "that I have to earn a living?" "I cannot be perceived as weak by my partners, clients, or the court." "I have to be the toughest lawyer on the block or the clients will go to someone else-go to someone known to be meaner and louder." "This is," you may say, "the real reality of the practice of law."

But, what you may not know is that growing numbers of attorneys are embracing some form of practice to achieve mindfulness. Their reasons for doing so are varied, but chief among them is stress management and improved mental and physical health.

Here is what I am suggesting. I am not asking you to change your reality or to diminish your earning capacity. I am suggesting that you have the freedom to choose how you deal with your reality, and, in turn, actually increase your effectiveness and earning capacity. First, you have to awaken to what your reality really is. This alone is no easy feat. It is like taking a step backward and honestly observing, with some detachment, what you are doing and how you are doing it.

Second, you have to awaken to the fact that you, whoever you are, have the power to choose. This is an extraordinary gift. This is nothing short of "self-transformation." We have some measure of freedom to choose how we respond to our reality. This is not a novel concept. We always are choosing anyway. Every time you act or react some choice is made. Sometimes these choices are conscious and sometimes they are not. I am talk-

ing about "choosing" to increase the awareness that it no longer serves us to live completely stressed out. I am suggesting that we have the power to choose another way to deal with our stresses. The key to transformation is that you create the change you want to see in yourself (which echoes Gandhi's advice that you must become the change you want to see in the world).

Yes, admittedly, we carry within ourselves many factors that we believe limit our freedom to choose and to obscure our awareness. There are layers and layers of emotions and physiological tendencies that we have formed over a life time in response to our particular life situations. And yet, through a mindful practice, it is possible to take responsibility for all of these dimensions of whom we are, through the transformative recognition that we are always the one doing the choosing and that our choice can be to change into a greater self and to do this right here and right now. But, there is a caveat. It will take a tremendous effort to break old habits. It will require a focused intention, a strong power of will and a conscious volition. Notwithstanding, even if we do choose to change, we ultimately will slip back into our old ways. No problem. We simply refocus our intention and plow ahead. It really is a "moment-to-moment" effort.

What is our goal? It is to center ourselves at will; it is to silence the inner judgmental voice that says we are unworthy; it is to reconcile our own inner conflicts; it is to rise above the immediate disturbances and to be unaffected by them, and to see ourselves, and those around us, from an expanded perspective. Sounds too Zen? So, exactly what is wrong with that? Someone once said that the mystery of life is not a problem to solve but a reality to experience. It is the wisdom of insecurity that relaxes in the reality of change.

It Is As Simple As Breathing

There are many techniques to help us change. Yet, at the heart of many of these techniques, there is one constant, and that is the awareness of the breath. We are breathing continuously from the moment of birth to the moment of death. While everything changes around

us, breathing is constant. Breath and life are synonymous. It is the bridge between your mind and your body. But, breathing is not continuous as such. There are gaps. The breath goes out, then for a single moment, or part of a moment, breathing stops. Then breath comes in. In that gap between breaths, anything is possible. Sincere observation and attention will help you feel the gap. If you feel the gap, you can choose to use that moment to calm the mind and your turbulent emotions and interrupt your “mind streaming”—that constant source of mental junk mail. How do you do this? Simply focus on, and watch, the breath its very passage. Here, breath and consciousness become one. It is like Arthur Rubenstein’s answer to the question, “Maestro, how do you handle the notes as well as you do?” His response was, “I handle the notes no better than others, but the pauses that is where the art resides.”

Try it for yourself. If you get angry, your breathing will suddenly change; it may become irritated or chaotic. Your blood will take a different rhythm. Different chemicals will be released in the body; the whole glandular system will change. You become different. But, even then, especially at that point, you can pause and focus on your breath. Observing it becomes a tool to reclaim your balance and center. When you are at your center, you are total and at your most effective best. In contrast, when you are fragmentary, when you are off-center, your actions are out-of-control. As you pay attention to your breathing, you may notice that it changes. Shallow breathing may shift to deeper, slow breaths. Or, if you notice shallow breathing, you may choose to slow down your breathing. The moment you can feel the center from where breath goes out or comes in, the very point where the breath fuses that center is where you will find your calm, control and effectiveness. This is an ancient technique. I did not invent it. And medical science confirms its effectiveness.

The Need for Allies

We cannot easily make changes alone. It takes real courage. Our profession inherently discourages changes which may help us individually, but which are perceived

by law firms, or individual partners, as “weaknesses” that could threaten the bottom line. But, like it or not, our profession already is changing in significant ways—changes that have or will affect the bottom line. Clients are unhappy with paying legal fees by billable hours; associates are unhappy with unreasonable professional demands; partners are unhappy with their firms and move their “book of business” across the street. Everyone complains about the lack of a balanced life, and the effect of practice on health and relationships. The level of anger and frustration is evidenced everywhere. Just drive on I-95 or spend a day in the courts.

So, it is time to talk Truth about such things. Yes, there are some among us who already have chosen to change their manner of practice. Even United States Supreme Court Justice Breyer has discussed how he meditates each day because it was good for his health. (“I don’t know that what I do is meditation, or even whether it has a name. For 10 or 15 minutes twice a day I sit peacefully. I relax and think about nothing or as little as possible. And that is what I’ve done for a couple of years.”) See <http://mindfulnessinlaw.com/breyer.html>

But, what has been missing is an organized means to join with others who are interested in the subject. In response, the Dade County Bar Association, in conjunction with our local Federal Bar Association, has created a Task Force on the Mindful Practice of Law. There will be at least three components. First, an informational component which will offer, through a website and newsletters, an identification of Mindfulness Resources. Second, planning already is underway for Bench/Bar conferences and workshops on health and the mindful practice of law. Third, a variety of groups will be formed, for those interested, to offer opportunities for group meditation and to talk about how to live and practice mindfully. One area for discussion is how we acknowledge and integrate that, like it or not, all of us are in this mess together, and that we need to “cut each other a break”—both in court and in life. We need to need

to be kind to each other because anyone you meet is also fighting a great battle too.

Where will all of this lead? Maybe to something important—or not. Perhaps there will come a day when law firms recognize that the true bottom line is not diminished, but enhanced, by incorporating mindfulness into the everyday practice of law. Meanwhile, it comes back to you. Do you choose to change to a healthier life? Do you acknowledge your power and freedom to do so? It is like the famous saying from India, “wisdom is not something you learn, it is something you become.” Come along for the ride. Let’s see where we go.

***The Honorable Alan S. Gold** is United States District Judge for the Southern District of Florida. Judge Gold has spoken nationally on mindfulness and the law and participates in a number of mindfulness programs for lawyers and judges.*

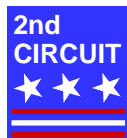
To learn more about mindfulness in law in South Florida, or to participate on the DCBA Mindfulness in Law Task Force, visit <http://mindfulnessinlaw.com/dcba.html>.

Professionalism CLE Credit

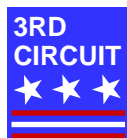
Visit the Center’s website at <http://www.floridabar.org/professionalism> and check out the Historical Video Series. There are over 30 DVDs of interviews of prominent members of the legal profession in Florida, including Justices of the Supreme Court, that are available for only \$35 each, plus tax. **Each DVD is approved for 1 hour of Professionalism CLE credit!** For more information or to order a DVD, call the Center at (850) 561-5747 or e-mail cfp@flabar.org.

Circuit Professionalism Reports

A core value of the legal profession is professionalism. Attorneys and judges must live up to this high standard through their conduct with everyone they encounter. Over the past year, each Judicial Circuit within Florida has been busy striving to boost professionalism. Many Circuits either have its own Professionalism Committee, a joint committee with the local bar association, or are in the process of creating a committee. Circuits are striving for a greater sense of professionalism by either having a mentoring program, peer review program, offering professionalism seminars, or having a set professionalism procedure. Some Circuits go as far as to recognize attorneys and judges who exemplify a high standard of professionalism by presenting them with an award for their contribution to the field. The Circuit Professionalism Report was recently reinstated by the Standing Committee on Professionalism in order to capture the essence of what is evolving in each circuit with regards to professionalism. Presently there are nine mentoring programs and eight peer review programs out of those that reported from the twenty circuits in the state. Each Circuit has its own unique way of how to best strengthen professionalism and so the list below provides a summary of what each Circuit has accomplished.



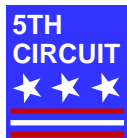
The 2nd Judicial Circuit Committee on Professionalism is currently putting its focus on developing seminars and other professionalism programs. The Committee is in the process of preparing a series of lunch seminars for law firms and state agencies. The Committee, through Chair Deeno Kitchen, has already begun to put these new plans into action by presenting one-hour professionalism seminars to state agencies. Apart from its focus on seminars and professionalism programs, the Committee is also in discussion to begin presenting awards for professionalism and pro bono efforts. Additionally, the Committee is striving to update the 2nd Judicial Circuit's website to include information about the Professionalism Committee, its membership, activities, and upcoming seminars.



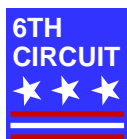
In conjunction with Florida Gateway College, the 3rd Judicial Circuit is making a push to embrace technology as a way to educate attorneys. Chief Judge Leandra G. Johnson is creating a series of video interviews with long-practicing attorneys that will cover a wide range of topics including the development of professionalism in the legal profession. Additionally, the Circuit plans to create short video clips that will be available on YouTube to address substantive and professionalism topics. While embracing technology, the Circuit is not abandoning practices used in the past. The Circuit continues to use seminars, such as the Bench/Bar Breakfast, as a way to communicate ideas. During 2013, the Circuit plans to create a standing committee on professionalism.



The 4th Judicial Circuit Professionalism Committee works through the Jacksonville Bar Association to produce a multitude of professionalism events throughout the year. There are judicial professionalism symposiums and luncheons that occur multiple times throughout the year. The American Board of Trial Advocates also sponsors the "Gary Pajcic Professionalism Seminar" once a year, which is presented to lawyers and judges. The 4th Circuit continues to have a very active Mentoring Program designed to provide attorneys with the opportunity to heighten their degree of civility, professionalism, and competence. Recently, there has also been an effort to revitalize the "Bench & Bar Professionalism Guidance Program," which was created to address complaints about attorney conduct that does not rise to level that is required to be reported to The Florida Bar. The Circuit also stresses professionalism by having a wooden plaque placed in the middle of the chamber tables of each judge's chambers that reads "PROFESSIONALISM and CIVILITY Anything Less Will Not Be Tolerated."

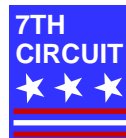


The 5th Circuit Professionalism Committee is recently under the direction of a new Chair the Honorable S. Sue Robbins. With this change, the Committee is seeking to become more engaged. The Committee is seeking new and active members to bolster its activity.

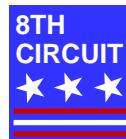


The 6th Judicial Circuit Professionalism Committee has been very active throughout the last year. In September 2012, the

Committee presented a three-hour seminar focusing on professionalism. The seminar included presentations on "Working through Ethical Dilemmas," "Professionalism View from the Bench," "Proposed Model for Resolving Professionalism Complaints" as well as many other events. The Circuit holds members of the legal community to a high professionalism standard as displayed by its Standards of Professional Courtesy and Professionalism Implementation Procedures listed on its website. These procedures are used by the Professionalism Implementation Panel in a mediation process to handle complaints about problems in an informative and confidential manner.



In May 2012, the 7th Judicial Circuit Professionalism Committee teamed with the Volusia County Bar Association to sponsor a Bench and Bar seminar on professionalism. The seminar, which was attended by more than 100 people, featured United States District Court Judge John Antoon, II as the keynote speaker. Judges and lawyers were able to discuss issues in criminal, civil, appellate, and family law. The Circuit also offers a mentoring program for young attorneys through the Dunn Blount American Inn of Court, which meets eight times a year.



The 8th Circuit has had an extremely strong and active Professionalism Circuit Committee/Bench Bar Committee for over a decade. The Committee meets quarterly to plan events and disseminate information. For the past 20 years, the Committee has also had a very active judicial mentoring pro-

gram and is currently working with the 8th Judicial Circuit Law Student Association to implement a new mentoring program. In 2012, the Circuit presented Charles B. Carter with the James L. Tomlinson Professionalism Award, which is presented to a lawyer who exemplifies the ideals and goals of professionalism in the practice of law. In February 2013, the Public Defender's Office and State Attorney's Office held a joint training session to educate young attorneys on common situations of specific professionalism and ethics rules that will be encountered on the job. The Committee is not the only group within the 8th Circuit to promote professionalism as the Eighth Circuits YLD, Gainesville Chapter of the Florida Association of Criminal Defense Lawyers, and the University of Florida Levin College of Law also host events as well.

10TH CIRCUIT The judges, lawyers, and court support staff of the 10th Judicial Circuit continue to advocate professionalism as seen by their professionalism slogan: "Florida's Tenth Judicial Circuit – Where Professionalism is a Priority." Within the Circuit, the Professionalism Committee holds an annual professionalism dinner each October where one attorney is presented with the Professionalism Award. In 2012, the award was presented to Ron Toward, who displayed high standards of professionalism within the circuit. The Committee, along with the Willson American Inn of Court, conducts a new lawyer orientation every two years. The next orientation is in fall 2013 and is available to any new attorneys who have practiced less than two years.

11TH CIRCUIT The 11th Judicial Circuit Professionalism Committee is hard at work expanding its outreach. The Committee is in the process of creating a mentor program. Harry Payton, chair of the mentoring program subcommittee, has a list of 40 attorneys who have volunteered to serve as mentors. Additionally, the Committee is working to put on lunch seminars in each division in the court and preparing a Professionalism Summit conference. This conference, which will be held at the

University of Miami School of Law, and will include various administrative judges, chief judges from both the state and federal court, and managing attorneys from over 40 law firms.

12TH CIRCUIT The 12th Judicial Circuit has established a peer review process that allows members of the court as well as attorneys to refer an attorney who has displayed unprofessional conduct to the Peer Review Council. The Council does not serve to discipline attorneys but rather seeks to educate attorneys on appropriate conduct. In June 2012, the Manatee County Bar presented the annual Jim Slater Award for Professionalism in Criminal Law to Peter Belmont. Also in June, the Young Lawyers Division of the Manatee County Bar hosted its annual "Java with the Judges" as an opportunity for young lawyers to talk to judges. The Sarasota County Bar sponsored an orientation session for law students working as clerks to provide insight into such topics as courtroom protocol and attorney conduct. Justice Peggy A. Quince of the Florida Supreme Court also addressed both the Manatee County Bar and the Sarasota County Bar in September 2012.

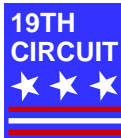
13TH CIRCUIT The Thirteenth Judicial Circuit Professionalism Committee and the Hillsborough County Bar Association ("HCBA") recently launched a mentoring program to assist newly admitted lawyers in attaining the qualities of an excellent lawyer. The one-year program focuses on good character, competence in the practice of law, and a commitment to clients, the profession, and the judicial system. The Committee has a working group attempting to update the Medical and Legal Code on Professionalism, which addresses professionalism between doctors and attorneys. The Committee also endorses and participates in a peer review program, which is voluntary, confidential, non-punitive, and guides lawyer conduct. The HCBA has a Leadership Institute that provides young lawyers with the opportunity to attend events and learn issues regarding the development of leadership skills.

14TH CIRCUIT The Fourteenth Judicial Circuit Bench Bar Committee, chaired by Timothy M. Warner, meets on a monthly basis to discuss conduct in both civil and criminal hearings and trials. The Committee has an active mentoring program that assists attorneys who are new to the area or new to the practice of law. Committee members are active in the local bar associations and participate in professionalism programs. The Circuit also uses professionalism peer review through the Bench Bar Committee as a way to review conduct of attorneys and issues with judges that may arise.

15TH CIRCUIT The Palm Beach County Bar Association's Professionalism Committee, which meets once a month, has five working subcommittees. The New Attorney Subcommittee hosted an event in November, 2012 that had over 75 new attorneys attend. These new attorneys were able to speak with judges, tour the courthouse, and were introduced to numerous voluntary bar associations. The Professionalism Enhancement Subcommittee has added a PowerPoint CLE that is presented to law firms and governmental agencies. The Professionalism Council Outreach and Webpage Subcommittees are working to develop a separate professionalism section on its website. The Committee also presents an attorney who has demonstrated or promoted outstanding professionalism in Palm Beach County with the Professionalism Award. In March, 2012, Carey Haughwout received this honor. Additionally, the Committee has taken responsibility of the mentoring program. A subcommittee has been formed and is working to improve the services offered and outreach of the program.

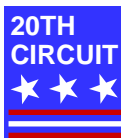
16TH CIRCUIT The Local Bench/Bar Committee of Marathon, chaired by Ruth Becker, had their annual luncheon in December 2012. At the luncheon, the attorneys requested the luncheon be every six months with an informal meeting to be held at the courthouse. In December, 2011, attorneys raised over \$5,000 for the Salvation Army through a "Professionalism

Cultural Outreach” concert put on by local attorneys. As a relatively small community, the attorneys use an “informal network” of communication to share information and maintain a good relationship with colleagues. These attorneys use mediation in small claims as an opportunity to mentor new attorneys.



The 19th Judicial Circuit Professionalism Committee is chaired by Steven J. Levin. In February, 2013,

the Martin County Bar Association sponsored the Bench/Bar Luncheon. Within the Circuit, there are five voluntary bar associations that host various lunch meetings with CLE components and professionalism columns in their newsletters.



Chief Judge Jay B. Rosman is the Chair of the 20th Judicial Circuit Professionalism Committee.

The Committee was re-established in December, 2011 and since that time has been actively engaged in discussion and efforts to revive the peer review program. The peer review program is expected to be active within the first quarter of 2013. The Committee uses the Presidents, or designees, of voluntary bar associations as a way to communicate news to the Circuit.



WANTED

The Henry Latimer Center for Professionalism is now accepting submissions for the upcoming edition of the legal publication *The Professional*. If you or any legal organization you are a member of would like to submit an article for consideration please email your submissions to jhaston@flabar.org with “article submission” in the subject line. The articles should pertain to issues of professionalism and be inspirational and/or motivational in content. Please limit submissions to no more than 800 words (12 point font, double spaced) and in Microsoft Word format.



The Henry Latimer Center for Professionalism along with the Standing Committee on Professionalism is pleased to announce two new additions to the Historical Video Series:

U.S. District Court Judge Alan S. Gold

U.S. District Court Judge Paul C. Huck

The Historical Video Series was designed to capture the wisdom and knowledge of esteemed members of The Florida Bar. U.S. District Court Judge Alan S. Gold shares his knowledge on the practice of mindfulness while U.S. District Court Judge Paul C. Huck shares the importance of mentoring.

If you or your organization is interested in purchasing either of these one credit professionalism CLE DVD's for the cost of \$35.00+tax, please contact The Florida Bar Order Entry Department at (850) 561-5629 to place your order.



Balancing Life and Law

By Caroline Johnson Levine, Member of the Standing Committee on Professionalism,
Office of the Attorney General, Tampa, Florida

In an effort to develop professionalism and ethical skills in the early stages of a future attorney's career, The Florida Bar's Standing Committee on Professionalism with The Florida Bar's Young Lawyers Law Student Division recently presented a program at the Stetson University College of Law titled "Balancing Life and Law."

I was lucky enough to be a part of the presentation and sit alongside many distinguished practitioners, such as Second District Court of Appeal Judge Edward LaRose; Thirteenth Judicial Circuit Court Judge Matthew Lucas; Nicola Papy of the Thirteenth Judicial Circuit Office of the State Attorney; Henry Lee Paul, solo practitioner; and Melissa Mora, Vice President of Legal Affairs Home Care.

The presentation began with the introduction of Judge LaRose. Following law school, he ascended to the status of shareholder at Trenam, Kemker, Scharf, Barkin, Frye, O'Neill & Mullis before his appointment to the bench in 2005. Judge LaRose offered his philosophy regarding the importance of outside activities by stating that "in building a perspective of what is meaningful in life it is important to have good friends who are not lawyers and have interests outside of the law such as a poetry, literature, and other hobbies."

Judge Lucas was appointed to the County Court in 2010 and was elevated to the Circuit Court in 2013. Judge Lucas shared that he enjoys spending time with his family, jogging, music, and helping out with little league baseball. Judge Lucas told the students that "finding a healthy balance between an individual's professional and personal life is so very important and students should start working on that balance in law school."

Judge Lucas further elaborated that it is important to be able to establish boundaries regarding time management in the work place in order to ensure that you can enjoy your family life. He proposed that by "clearly stating your boundaries and alternatively, being responsive when you say you

are available, tends to result in a cooperative working relationship with an employer."

Henry Lee Paul began his legal career by practicing criminal law before becoming a founding partner of the Tampa Bay Hockey Group, which obtained the Tampa Bay Lightning franchise in 1990. Mr. Paul served the Lightning in various capacities as vice president, general counsel, and alternate governor. In 2005, Mr. Paul accepted employment as Bar Counsel for The Florida Bar and proceeded to ensure attorney compliance with The Rules Regulating The Florida Bar. Subsequently, Mr. Paul returned to private practice and concentrates his efforts on lawyer regulation and business litigation.

Mr. Paul currently serves on the Supreme Court Commission on Professionalism as well as the Standing Committee on Professionalism and told the students that "it is important to have a good perspective on what is important outside of the law." At the conclusion of the presentation, Mr. Paul stated that he "really enjoyed the experience" and he "enjoyed it as much as the students and I am hopeful that it gave some insight to those who attended."

Melissa Mora currently serves as the Vice President of Legal Affairs Home Care and has extensive legal experience in health care litigation. Further, Ms. Mora is certified in Healthcare Compliance (CHC). Ms. Mora explained that it is important to consider "offering to clerk for free if needed, because it may result in a paid position, once you prove your value." Additionally, she stated that "when you first enter a law firm, it may be difficult to have conversations related to your hours, but as you continue to provide value, the firm may be more willing to provide a more flexible schedule."

Nicola Papy began her career at the Office of the State Attorney as a criminal prosecutor and has risen through the ranks to become the Deputy Division Chief of Felony Division D. Ms.

Papy shared that "it is important to take time every day to do something non-work" related. It will help clear your mind and also make you more productive when you are actually at work. She said in the final analysis, in order to achieve a sense of well-being, it is important to "do what makes you happy." When asked about her thoughts regarding the presentation, Ms. Papy stated that she felt that the program was a "great event for students to learn about what life as a practicing attorney is really like from a variety of lawyers and judges."

Frank Leung, Law Student Division Executive Board Member, and Stetson Ambassador Liaison coordinated and moderated this law student program. Frank has taken a multi-faceted approach to his legal education by participating in many activities that will enhance his professionalism and personal communication skills. In May, Frank will be completing his Juris Doctor and Masters of Business Administration degrees. Frank stated that "working with the Standing Committee on Professionalism and the Young Lawyers Division of The Florida Bar, has educated me on how important it is that law students understand what it means to be a professional". Additionally, Frank found it beneficial that the panelist were able to share some of their own experiences in law school and in practice. "I found it to be helpful to hear the panel member's honest answers regarding their own struggles in maintaining a 'balance' as well as concrete suggestions as to how to achieve such balance."

Other students echoed Frank's sentiments. Brandy Pikus, a first year law student, felt that the panel presentation "was a great opportunity to have a candid discussion with attorneys and judges about the demands of the legal field and how to balance those demands with a personal life and the importance of starting to set boundaries now." Another first year law student, Jennifer Tindell, enthusiastically stated that "the panelists were wonderfully honest and open. They

explained their struggles in balancing the professional and personal aspects of their lives and offered suggestions regarding successful methods to make it all work.”

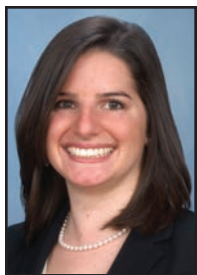
The information that the panelists

offered to the law students was priceless and may assist in the prevention of newly admitted attorneys making mistakes as he or she attempts to create a satisfying and rewarding personal life and career. At the conclusion of the presentation, it became

apparent that no one particular career path fits every person’s needs or desires. Rather, it was obvious that if a new attorney is diligent, decent, and professional, then he or she may create a wonderful life and wonderful career in the law.

The Standing Committee on Professionalism and The Florida Bar YLD Law Student Division team up to educate Florida law students on the importance of professionalism

By Allie Menegakis, President of The Florida Bar YLD Law Student Division



Seven years ago, an ambitious and creative few from The Florida Bar Young Lawyers Division Board of Governors came up with the idea of creating a law student division within The Florida

Bar. The law student division would be comprised of and run entirely by Florida law students, under the guidance of the YLD, and the mission of the division would be to provide leadership, educational, and networking opportunities to its law student members. Some of the leaders of this think tank were Past-President of The Florida Bar Young Lawyers Division, **Renee Thompson**, President-Elect Designate of The Florida Bar Young Lawyers Division, **Michael Orr**, and Immediate Past President of The Florida Bar Young Lawyers Division (“YLD”) and the current Chair of The Florida Bar Standing Committee on Professionalism, **Sean Desmond**.

Seven years later, what began as an idea has now grown into one of the largest and most successful, law student divisions across the nation. Like the YLD, The Florida Bar YLD Law Student Division (“The Law Student Division” or “Division”), is governed by its own President and Board of Governors. The Law Student Division’s board is comprised of six elected representatives from each of Florida’s, now, twelve law schools. These repre-

sentatives serve as the liaisons between The Florida Bar and Florida law students. The Board members also attend Law Student Division meetings at Florida Bar Conferences every year. Currently, the Law Student Division has a chapter at each Florida law school and is growing rapidly with over 3,000 active members.

The Division accomplishes its goal of bridging the gap between law school and the practice of law in Florida through a variety of events and programs designed to educate law students and connect them with leaders in The Florida Bar. One of the Division’s most successful and growing programs is its new mentoring program that serves to connect Law Student Division members with Florida attorneys. The mentoring program has attracted an enormous amount of interest from law students and attorneys alike.

In addition to mentoring, the Division hosts educational, speaking, and networking events. Past speaking events have featured Florida Bar leaders, such as Immediate Past President Scott G. Hawkins, President Gwynne A. Young, and President-Elect Eugene K. Pettis. This past year the Division also hosted an effective, state-wide educational series on the importance of an independent judiciary. Several chapters hosted members of the Florida Supreme Court including Justices Labarga, Lewis, Pariente, and Quince.

The Law Student Division is also very committed to community ser-

vice. Every year, the Division hosts its annual, state-wide “Raising the Bar” Community Service Day where attorneys, judges, and law students from across the state work together to better their communities through service projects. This year, “Raising the Bar” events included a supply drive for the Ronald McDonald House in Coral Gables, a cornhole tournament to benefit Compassionate Families in Jacksonville, and a birthday party for the Big Bend Homeless Coalition in Tallahassee. In Gainesville, the Division’s University of Florida chapter, along with The Josiah T. Walls Bar Association and other local bar associations, co-sponsored the Second Annual Law and Justice Conference. The purpose of the conference is to educate underprivileged youth on the law and meaning of justice. The conference was a great success and featured Florida Bar President-Elect Eugene K. Pettis as its inspirational speaker.

This spring, the Law Student Division and the Standing Committee on Professionalism teamed up for the first time in an effort to educate Florida law students on the importance of professionalism through a variety of educational events. The first of these events took place on April 5th at Stetson University College of Law in Gulfport, Florida. The event, titled “Balancing Law and Life,” featured a panel of esteemed legal professionals, members from The Florida Bar who spoke to a law student audience on

the realities of the legal profession and the importance of keeping a balanced life after law school.

Members of the panel included the **Honorable Judge Edward LaRose** of the Second District Court of Appeal and member of The Florida Bar Standing Committee on Professionalism; the **Honorable Judge Matthew Lucas** of the Thirteenth Judicial Circuit; **Caroline Levine** of the Attorney General's Office and member of The Florida Bar Standing Committee on Professionalism; **Melissa Mora** of the Senior Home Care General Counsel; **Nicola Papy**, Deputy Chief Assistant State Attorney for the Thirteenth Judicial Circuit; and former Bar Counsel to The Florida Bar, member of The Florida Bar Standing Committee on Professionalism, and former general counsel to the Tampa Bay Lightning, **Henry Lee Paul**.

The panelists shared tips with the law student audience on how to keep a balanced life in the legal profession. "It is important to have a good perspective and remember what is important outside of the law," said Tampa solo practitioner, Henry Lee Paul. When asked about ways to handle office pressures from colleagues and managing partners, Judge Matthew Lucas of the Thirteenth Judicial Circuit replied, "Set boundaries now!" Judge Lucas went on to explain that employers and other attorneys are more willing to work with you if you are clear with boundaries and responsive when you say you are available. "The panel really opened my eyes to important life lessons and aspects of the law that you don't learn in law school," said Stetson 3L and Law Student Division Executive Board Member, Frank Leung.

The Law Student Division and the Standing Committee on Professionalism plan to continue working together to educate Florida law students on the importance of professionalism and aim to expand the "Balancing Law and Life" educational series to all Florida law schools within the coming year. *To find out more about The Florida Bar YLD Law Student Division, please visit its Facebook page or website at www.flayld.org/students*

Allie Menegakis is a third year law student at the University of Florida, Levin College of Law. She is the current President of The Florida Bar Young Lawyers Division – Law Student Division. Beginning in August 2013, Allie will be working as an Assistant Public Defender for The 15th Judicial Circuit's Office of the Public Defender in West Palm Beach, FL.

Annual Law School Reports

The Annual Law School Report was recently reinstated by the Standing Committee on Professionalism. This report seeks to gather information regarding professionalism efforts that are taking place within the 12 law schools within the state. The Henry Latimer Center for Professionalism and the Standing Committee on Professionalism desire to instill professionalism and civility into students before they enter the profession while they are yet still impressionable. Out of the law schools that submitted their annual report only three administer an oath of professionalism during new student orientation. There are currently nearly 10,634 JD students enrolled in law school in Florida. In 2012, nearly 3,905 hopefuls sat for The Florida Bar Exam. It is no secret that this profession is growing and continues to grow and the law schools are dedicated to grooming their students to be professional and civil once they enter the profession.

Florida International University College of Law

After hearing concerns from both the Florida Bar and the Florida Supreme Court over trends relating to the lack of legal skills, values, and ethics displayed by students and recent graduates of law schools, Florida International University College of Law has initiated a proactive

approach to eliminate this problem in the future. FIU Law has recently developed a First Year Academic, Ethics and Professionalism Training Program (ADEPT Program). This mandatory program is composed of targeted workshops that address areas including academics, career planning, ethics, values, wellness, and overall professionalism. The ADEPT Program seeks to educate students not only on the issues that they will be faced with once they join the legal world upon graduation but also the challenges that they will come face to face with as a student. Following completion of their first year, students at FIU Law are provided the opportunity to continue their professional education through classes such as Professionalism, Ethics, and the Legal Profession; Alternative Dispute Resolution; Negotiation; and Mediation. Additionally, FIU Law arranges a distinguished lecturer series as well as various workshop series for students to take part in.

University of Florida Levin College of Law

The University of Florida Levin College of Law introduces the importance of professionalism before students even sit in their first class. At orientation, faculty members give a one-hour presentation titled "Professionalism in the

Law School Community and the Profession," which includes hypothetical situations acted out by upper-level students as well as information regarding the evolving nature of the legal world. UF Law students continue their education in professionalism their first year by taking Introduction to Lawyering and the Legal Profession, Legal Writing, and Appellate Advocacy. Apart from a wide range of elective courses dealing with professionalism issues, students are also required to take Professional Responsibility and the Legal Profession prior to graduation. Outside the classroom, UF Law offers opportunities to participate in panel presentations and symposiums aimed at professionalism and even offers a "Professionalism Week," which educates students on professional expectations in the legal field. The Joe Little Pro Bono Endowment and Professional Development Fund allow students to be reimbursed for expenses they have encountered in pursuing outside opportunities in pro bono legal work and professionalism development respectively.

Stetson University College of Law

Stetson University College of Law students are expected to maintain the highest ideals of academic and social conduct. The College of Law strives to educate its students from the beginning of their

law school career by providing a professionalism luncheon at orientation. Students also must complete an online module relating to professionalism prior to orientation. The Office of Career Development has developed a curriculum called “ToolKit” that helps first-year students plan for career and professional development. In addition to the Professional Responsibility course, the College of Law also offers Business Ethics and Ethics and the Practice of Criminal Law as specialized courses to build upon their knowledge of professionalism in the field. Additionally, students can take part in an etiquette dinner, improv comedy for communication skills, and lunch and learn professional programs all focused on different professionalism themes. Students may choose to complete a leadership development certificate through a program that earned the College of Law the ABA’s prestigious E. Smythe Gambrell Professionalism Award in 2006.

St. Thomas University School of Law

St. Thomas University School of Law has integrated professionalism into every aspect of its students’ law school careers. Students are first introduced to professionalism within the legal environment at orientation where the students hear about professionalism expectations at the school as well as the character and fitness portion of the Bar. Through all classes at the School of Law, professors integrate professionalism and real world situations into the class. Courses with a particularly dominant professionalism theme include Professional Responsibility, Ethics and Social Policy, Law and Bioethics, Moral Dilemmas, and a handful of others. Outside of the classroom, the School of Law offers a lunch program coordinated by the Career Services Office to educate students on various substantive areas of practice and issues that potentially could be encountered. Additionally, the School of Law holds a “Professionalism Day” each fall to acquaint students with the expectations of the field.

Florida Coastal School of Law

A central mission of Florida Coastal School of Law is to develop and maintain a challenging academic environment guided by core values. One value that Florida Coastal seeks to instill in its students is professionalism. To be eligible for graduation, students must attend four professionalism workshops throughout their first two years on cam-

pus. These workshops focus on classroom etiquette; courtroom etiquette; professional dress, multiculturalism, and substance abuse; and professional communications, including online presence. Students must also earn three additional Continuing Professionalism Education credits, which are earned by attending workshops held throughout the semester related to professionalism and pressing issues in the field. Florida Coastal encourages students to participate in the Shadow Program, which allows students to see how judges and attorneys handle daily practice activities and professionalism issues encountered on the job. Additionally, Florida Coastal was awarded the HandsOn Schools Award from HandsOn Jacksonville for volunteer work performed in 2012.

Nova Southeastern University Shepard Broad Law Center

Nova Southeastern University Shepard Broad Law Center strives to educate its students about the importance of professionalism both in and out of the classroom. Within the classroom setting, professors stress not only the law but also professionalism issues seen within the cases. Professors bring these issues to life by having role-plays in which students act as the different parties in the dispute. The Career and Professionalism Development Office (CPDO) offers students weekly presentations during lunch where practitioners are encouraged not to discuss only their area of practice but also focus on the professional and ethical issues faced on the job. Additionally, the CPDO awards a “Dean’s Certificate of Professionalism” to students who earn a set number of points by attending speaker presentations. NSU Law also offers a Pro Bono Honors Program for students excelling in volunteer legal work with either a public service or government organization while in law school. NSU Law’s alumni office seeks to educate alumni and others on professionalism by sponsoring seminars in which attorneys can receive CLE credit.

Barry University Dwayne O. Andreas School of Law

Barry University Dwayne O. Andreas School of Law embraces the idea of professionalism throughout its mission, objectives, curriculum, and programming. Beginning with the Fall 2012 class, the School began to require students to participate in six hours of Professionalism Enhancement as a way to be sure

students were exposed to more than the minimal standards of professional conduct. Apart from this new graduation requirement, the School of Law educates its students on professionalism in seminars and in the classroom. During orientation, students learn the various aspects of professionalism and how professionalism skills are essential in both the classroom and legal profession. In the classroom, professors are encouraged to adopt the “infusion” approach to teaching professional ethics by including ethical decisions in their classes. In some classes, students can receive professionalism points as extra credit. In addition to basic professional skills that may be acquired through classes such as Professional Responsibility, the School of Law also requires students to complete a professional skills course.

The Thomas M. Cooley Law School

While relatively new to Florida, The Thomas M. Cooley Law School is using its 40 years of experience in Michigan to stress the importance of professionalism on its new campus in Tampa Bay. At orientation, students are introduced to five ethics-related components including the Professionalism in Action program and Cooley’s Commitment to Honor. The Professionalism in Action program provides students the opportunity to discuss the importance of ethics and professionalism with both attorneys and judges. Cooley’s Commitment to Honor is a formal ceremony before a robed judge in which students pledge their commitment to ethical and professional behavior while a student. Students also adopt professionalism principles which include accountability, the characteristics of a professional, serving the community, and promoting an ethical school community. Additionally, students at Cooley are offered the opportunity to participate in a professional development program and create a professionalism portfolio. This program trains on responsibility, documents professional development, connects students to resource offices, and allows employers to see an applicant’s knowledge, skills, and character. Cooley’s Center for Ethics, Service, and Professionalism sponsors a speaker series where faculty and students are afforded the opportunity to hear about issues, trials, and lawsuits touching on professionalism issues.

University of Miami School of Law

At orientation, Dean White emphasizes

that a student's professional life does not begin after law school but rather on their first day of law school. Students are also introduced to the honor code and expectations. The School of Law's curriculum has a professionalism focus as well by providing Professional Liability & Legal Malpractice, Professional Responsibility, Mindful Ethics: Professional Responsibility For Lawyers in the Digital, Mindfulness & Leadership, and other classes. The School of Law also offers the Partnership for Professionalism Program, which is heralded by local judges and attorneys. The program brings a judge, three attorneys, and six students to one table to discuss civility, ethics, and professionalism. Additionally, the Professional Responsibility & Ethics Program (PREP) allows students to benefit from exploring cutting-edge ethics issues such as social media, e-discovery, and technology. In 2012, PREP was awarded the E. Smythe Gambrell Professionalism Award, which is presented to programs and projects contributing to the understanding and advancement of professionalism among lawyers, by the ABA. The Center for Ethics and Public Service is an additional program students may take part in which focuses on interdisciplinary collaboration, public-private partnership, and student mentoring and leadership training.

Ave Maria School of Law

Professionalism is stressed from the beginning of law school to students at Ave Maria School of Law. At orientation

the Dean of Academic Affairs, the Dean of Student Affairs, and representatives from The Florida Bar make a presentation to help students understand professionalism and the character and fitness process. The Ave Maria School of Law Honor Code is published in the Student Handbook and students are provided the opportunity to demonstrate commitment to the code by verbally reciting it as a community at a special ceremony. Many courses at Ave Maria incorporate Professionalism Points into the grading scheme as one factor to evaluate students. Ave Maria also seeks to get professionalism across to its students by hosting speakers throughout the year. Recently, the Honorable John E. Steele was the speaker for the *Ave Maria Law Review* banquet and included a discussion of professionalism in his talk. The school presents the Mary, Queen of Lawyers Award at graduation, which is presented to the student whose life and learning shows that the student is the person the school would choose to defend it in the most important judgment of all.

Florida A&M University College of Law

Florida A&M University College of Law believes the cultivation of professionalism entails the nurturing of an attitude of respect and responsibility, or "caring." The College of Law encourages an atmosphere in which faculty interact with students in ways to teach professionalism in a manner in which students will understand the importance of the

concept. This atmosphere begins at orientation where students take part in a one-half day professionalism program where faculty, judges, and lawyers lead a plenary session and then a breakout session that includes video vignettes that raise professionalism issues. Through its classes, the College of Law also seeks to educate students on the importance of professionalism by weaving it into the material so the students gain an understanding that the interests of the client are paramount. Also, the College of Law uses seminars and mentoring programs. Students participate in the Orange County Bar Association Young Lawyers Section Law Student Mentoring Program which helps students learn about different issues that develop on the job and have the opportunity to attend different activities and CLE events with their mentor.

Florida State University College of Law

Florida State University College of Law first introduces the concept of professionalism at orientation. Students are presented with an oath during orientation. Florida State also fosters a mentoring atmosphere between student organizations and various lawyer organizations. For example, the Women's Law Symposium has an active mentoring program with the Tallahassee Women Lawyers and the newly formed student chapter of Cuban American Bar Association has a mentoring program with CABA.



THE FLORIDA BAR

HENRY LATIMER
CENTER FOR PROFESSIONALISM

651 East Jefferson Street
Tallahassee, FL 32399-2300
Phone: 850/561-5747, Fax: 850/561-9428
Email: cfp@flabar.org
Website: www.floridabar.org/professionalism

Director: Linda Calvert Hanson
Assistant Director: Jacina Haston
Program Coordinator: Vicki Simmons

A Word To The Wise

Mere access to the courthouse doors does not by itself assure a proper functioning of the adversary process.

– Thurgood Marshall (1908 - 1993)

Great minds discuss ideas; Average minds discuss events; Small minds discuss people.

– Eleanor Roosevelt

Be kind whenever possible. It is always possible.

– Dalai Lama